

REMARKS

1. Applicant thanks the Office for its remarks and observations, which have greatly assisted Applicant in responding.

2. **35 U.S.C. § 102**

Claims 1-6, 10-11, 23-28, 32-33, 50-56 and 60-61 are rejected as being anticipated by Random Deposit.” While Applicant respectfully disagrees, in order to advance prosecution of the Application, the Claims are amended as below:

Claim 1: in order to describe the subject matter of Claim 1 more clearly, Claim is amended to incorporate the subject matter of Claim 21—“wherein first account type comprises a thin wallet, the thin wallet comprising a record in a subscriber database, and wherein the second account type comprises a full wallet, the full wallet comprising a record in a wallet database.”

While the Office relies on “Random Deposit” as teaching the subject matter of Claim 21, such reliance is misplaced. “Random Deposit” doesn’t mention a single word about a data model, or a physical design of a database for the online payment approach described in “Random Deposit”. Nor does “Random Deposit” describe, even implicitly, a computing infrastructure over which the approach might be implemented. Accordingly, the Office’s finding with respect to the subject matter of Claim 21 is improper. The subject matter of Claim 21 is therefore deemed allowable. Because Claim 1 has been amended to incorporate the subject matter of Claim 21, Claim 1 is deemed allowable over “Random Deposit”. In view of their dependence from an allowable parent claim, Claims 2-20 and 22 are deemed allowable without any separate consideration of their merits.

Claim 23: Claim 23 is amended in similar fashion to Claim 1. Therefore, the above remarks apply equally to Claim 23. As such, Claim 23 is allowable for the same reasons that Claim 1 is allowable. In view of their dependence from an allowable parent claim, Claims 24-42 and 44-49 are deemed allowable without any separate consideration of their merits.

Claim 50: The Office relies on "Random Deposit" as teaching each and every element of Claim 50. Applicant respectfully disagrees. As Applicant stated above in relation to Claims 1 and 23, "Random Deposit" says not a single word about a data model, a physical database design or a computing infrastructure for the online payment approach described. Thus, "Random Deposit" doesn't teach even a single feature of Claim 50. The present rejection is accordingly improper. As such, Claim 50 is deemed allowable over "Random Deposit". In view of their dependence from an allowable parent claim, Claims 51-80 are deemed allowable without any separate consideration of their merits.

3. 35 U.S.C. § 103

Claims 45 and 76 are rejected as being unpatentable over "Random Deposit" in view of U.S. patent no. 6,477,648 ("Schell"). In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 46 and 77 are rejected as being unpatentable over "Random Deposit" in view of an alleged admission by Applicant. In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 47-48 and 78-79 are rejected as being unpatentable over "Random Deposit" in view of U.S. patent no. 6,477,648 ("Schell") and further in view of Official Notice. In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 49 and 80 are rejected as being unpatentable over "Random Deposit" in view of U.S. patent no. 6,477,648 ("Schell") and further in view of U.S. patent application pub. no. 2002/0147645 ("Alao"). In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 14, 36 and 64 are rejected as being unpatentable over "Random Deposit" in view of Official Notice. In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 73-75 are rejected as being unpatentable over "Random Deposit" in view of Alao. In view of the foregoing, the present rejection is deemed improper.

Claims 12-13, 34-35, 62-63 are rejected as being unpatentable over "Random Deposit" in view of Alao and further in view of Official Notice. In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 7-9, 15, 29-31, 37, 57-59 and 65 are rejected as being unpatentable over "Random Deposit" in view of "User Agreement". In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 16-18, 38-40 and 66-68 are rejected as being unpatentable over "Random Deposit" in view of "User Agreement" and further in view of an alleged admission by Applicant. In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 19-22, 41-44 and 69-72 are rejected as being unpatentable over "Random Deposit" in view of "User Agreement" and further in view of an alleged admission by Applicant and further in view of Alao. In view of the foregoing, the present rejection is deemed overcome/improper.

4. Certain of the dependent Claims have been amended to reflect cancellation of Claims 21 and 43 and amendment of Claims 1 and 23. No new matter is added by way of the foregoing amendments to the Claims. All amendments are made for the sake of expediency, in recognition of the Office policy of compact prosecution. Such amendments do not signify agreement by Applicant with the Office's positions. Nor do they reflect intent to sacrifice claim scope. In fact, Applicant expressly reserves the right to pursue patent protection of a scope that it reasonably believes it is entitled to in one or more future submissions to the Office.

5. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on Official Notice, and any other assertions of what is well known or commonly known in the prior art.

6. APPLICANT COMMENTS ON THE EXAMINER'S "RESPONSE TO ARGUMENTS".

The Examiner stated, "In response to Applicant's argument, Examiner asserts that the unverified account is implicitly described" by "Random Deposit (emphasis added). However, beyond the assertion itself, the Examiner offers no line of reasoning or points to no specific teachings in support of his view. Accordingly, the assertion is nothing more than a conclusory statement, completely lacking logical or factual support. Thus, Applicant's original argument remains unrebutted.

CONCLUSION

In view of the foregoing, the Application is deemed in allowable condition. Accordingly, Applicant respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner have any questions regarding the Application, he is invited to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,



Michael A. Glenn

Reg. No. 30,176

Customer No. 22862